

CHILDREN AND FAMILIES

DIVISION OF YOUTH AND FAMILY SERVICES

Manual of Requirements for Resource Family Parents

Proposed Amendments: N.J.A.C. 10:122C

Proposed New Rule: N.J.A.C. 10:122C-2.3

Authorized By: Eileen Crummy, Acting Commissioner, Department of
Children and Families.

Authority: P.L. 2004, c. 130, N.J.S.A. 30:4C-4(h), 30:4C-26a and 30:4C-
27.3 et seq.

Proposal Number: PRN 2008-206.

Submit written comments by August 15, 2008 to:

Pamela Wentworth
Policy Development Unit
Division of Youth and Family Services
P.O. Box 717
Trenton, New Jersey 08625

The agency proposal follows:

Summary

N.J.A.C. 122C, Manual of Requirements for Resource Family Parents, governs the licensure of resource parents used by the Division of Youth and Family Services to care for abused and neglected children. This chapter affects each resource parent applicant and each licensed resource parent. The chapter also affects each child placed with a resource parent, as the chapter regulates the type and quality of care given to each child.

The Division is proposing to amend this chapter to continue to ensure permanency for children by enhancing the standards required of resource family parents in keeping with the Department's case practice model. These amendments allow the Division to apply the standards to each resource family parent and applicant while using the expertise of its trained staff.

Pursuant to the Department of Children and Families Act, N.J.S.A. 9:3A-1 et seq., the Division of Youth and Family Services and the Office of Licensing were transferred from the Department of Human Services to the newly created Department of Children and Families, effective July 1, 2006. The Division has amended references to the Department of Human Services to the Department of Children and Families at N.J.A.C. 10:122C-1.1(c), and 1.3, definitions of Department, Division, and Office of Licensing. The Division has amended the definition of caseworker to be a representative of the Division of Youth and Family Services, rather than of a Department of Human Services office, in order to be accurate.

The Division is removing N.J.A.C. 10:122C-1.2(b)3 and 4, emergency foster care and foster/adopt care, from the scope of the chapter. Resource parents who provide these services are licensed in the same way as people who provide regular foster care and adoptive care. There is no reason to maintain these distinctions for the purpose of licensing.

The Division is merging relative care and family friend care into one category of service to be known as kinship care. The Division is deleting family friend care at N.J.A.C. 10:122C-1.3(b)7. N.J.A.C. 10:122C-1.3(b)6, recodified as paragraph (b)4, is being amended to delete the definition of relative care and add the definition of kinship care. The purpose of adding a definition of kinship care is to allow for the greater availability of families for the Division's children in placement by encouraging kinship placements with families who may have either a blood or psychological connection to the child or the child's parent. Relative care and family friend care have been deleted from the Scope, N.J.A.C. 10:122C-1.2(b)6 and 7. The information necessary to include family friend care in the former explanation of relative care has been added to paragraph (b)6, recodified as paragraph (b)4, to encompass both types of care. Paragraph (b)7 has been deleted. Paragraphs (b)5 and 6 have been recodified as paragraphs (b)3 and 4. Paragraph (b)8 has been recodified as paragraph (b)5. Internal references have been amended. Terminology throughout the rule is amended to delete the terms "relative care" and "family friend care" and to add the term "kinship care." See N.J.A.C. 10:122C-2.1(e) and 2.2(b).

On February 19, 2007, P.L. 2006 c. 103 became effective. This act established legally-recognized civil unions in New Jersey. The Division is amending recodified N.J.A.C. 10:122C-1.2(b)4 to include civil unions as a method of defining relationship, in addition to blood, marriage, and adoption. Civil union has also been added to N.J.A.C. 10:122C-1.6 as a status that the Division will not discriminate against. Civil unions have been added to N.J.A.C. 10:122C-5.2(c)5v as a relationship for which the Division assesses compatibility. The statutory definition of “civil union” has been added to N.J.A.C. 10:122C-1.3(b) for the convenience of the reader.

The Division is amending N.J.A.C. 10:122C-1.3, the definition of “contract agency,” to say “to provide services that support children,” rather than “to provide services to children.” The Division believes that this amendment emphasizes that supporting children in an important component of licensure.

The Division is adding a definition of “domestic partnership” to the definitions in N.J.A.C. 10:122C-1.3(b) as the term is already used in the chapter at N.J.A.C. 10:122C-5.2(c)5v. Since domestic partnerships were revised pursuant to the enactment of the civil union statute, the Division is including definitions for each in order to clarify that New Jersey has two different statuses. They are not the same, nor did one replace the other. The Division is including domestic partnerships as a way that a person can be related to a child, at recodified N.J.A.C. 10:122C-1.2(b)4. The Division is adding domestic partnership to the list of statuses that the

Division will not discriminate against regarding the licensure of resource parents at N.J.A.C. 10:122C-1.6.

The Division is amending N.J.A.C. 10:122C-5.6(a) to replace the capitalized Level I with the lower case level I to maintain consistent terminology.

The definition of “restrictive behavior management” at N.J.A.C. 10:122C-1.3(b) is amended to state a third situation that is excluded from the definition. When a physician has prescribed medical equipment, its use is not considered restrictive behavior management. The Division wants to make it clear that medically-prescribed protective equipment that confines a child’s movement, such as wheelchairs and cribs, can be used for the purpose for which it was prescribed.

The Division is removing the definition of “temporary caregiver” from N.J.A.C. 10:122C-1.3(b), as the term is being deleted from the rules at recodified N.J.A.C. 10:122C-5.4(b) and 6.1(a)3. All of N.J.A.C. 10:122C-6.1(a)3 and the reference to temporary caregivers in recodified N.J.A.C. 10:122C-5.4(b) are being deleted because the Office of Licensing will no longer monitor the use of temporary caregivers by resource parents as that responsibility belongs to the Division.

The Division is deleting a reference to N.J.A.C. 10:122C-5.3 from N.J.A.C. 10:122C-2.2(d) because the Division proposes to delete N.J.A.C. 10:122C-5.3(b)1 regarding inspections of the home and surrounding area.

The Division believes that stating the requirement to have an inspection of the home and surrounding area once in the chapter is sufficient.

The Division is amending N.J.A.C. 10:122C-2.1(d)2 to delete allowing interviews completed within the previous 80 days to be considered as part of the components needed for an initial license because the interview is part of the home study completed by the Division caseworker.

The Division is amending N.J.A.C. 10:122C-2.1(d)3 to change Department to Division. The purpose of this change is to specify that home studies are always done by the Division's staff or that of a contract agency.

The Division has amended the name of the form mentioned in N.J.A.C. 10:122C-2.1(d)5i and (e)4, and 2.4(a) to the Resource Family Parent Home Study/Licensing Application to reflect current usage within the Division. The Division has combined (d)5i and ii, as the forms named are now combined into one form.

The Division is removing the current N.J.A.C. 10:122C-2.1(d)5iii and adding the current N.J.A.C. 10:122C-2.1(d)5v, "consent for release of information," as recodified N.J.A.C. 10:122C-2.1(d)5ii. The Division is removing the current subparagraph (d)5iii because the form named is obsolete. The Division is moving the current subparagraph (d)5v to subparagraph (d)5ii to put it into its logical sequence. An applicant completes a consent for release of information first and then completes the

required references. N.J.A.C. 10:122C-2.1(d)5iv through xi have been recodified as subparagraphs (d)5iii through ix with some amendments as discussed below.

Recodified N.J.A.C. 10:122C-2.1(d)5iv, 2.4(c)3, and 5.4(a)1 are amended to change the requirement that a resource family parent must submit information necessary for State and Federal criminal history fingerprint background checks for each child who reaches 18 years of age, for license renewal. Instead, the resource parent must submit information for the fingerprint check on each household member who reaches 18 years. This amendment requires a fingerprint check on each person in the household as he or she turns 18, except for children in placement through the Division.

The Division has amended the requirement that each child who reaches 18 must have a Child Abuse Record Information background check at N.J.A.C. 10:122C-2.1(d)5v, recodified 2.4(c)4, and 5.5(a)1. Each household member who reaches 18 will be required to have a Child Abuse Record Information background check. The purpose of this amendment is to remove children in placement from this requirement as they turn 18.

The Division proposes to remove “or contract agency” from recodified N.J.A.C. 10:122C-2.1(e) because only the Division has the authority to make a determination of the presumptive eligibility of kin to care for a child before the kin are licensed.

The Division proposes an amendment to N.J.A.C. 10:122C-2.1(e)4 to state that the Division shall begin the home study immediately after approving the application. The purpose of this amendment is to help the Division to comply with the 150-day licensing timeframe for completion of the licensing process.

N.J.A.C. 10:122C-2.2(c) is being amended to remove the applicant from the notification on waivers by the Office of Licensing. Notification on the decision on licensure only is now addressed in new subsection (d). The Office of Licensing notifies only the office completing the home study of decisions on waivers. This is addressed in a new subsection (d). Subsections (d) through (j) have been recodified as (e) through (k). The reference to subsection (g) in recodified N.J.A.C. 10:122C-2.2(g)3 has been amended to subsection (h) to reflect the recodification of the section. The reference to N.J.A.C. 10:122C-2.2(g) in N.J.A.C. 10:122C-3.4(e) has been amended to subsection (h) to reflect the recodification.

The Division has added a new N.J.A.C. 10:122C-2.3, Annual inspection. The remaining sections in Subchapter 2 have been recodified to reflect this addition. The reference to N.J.A.C. 10:122C-2.4 at N.J.A.C. 10:122C-5.5(a)2 has been amended to reflect recodification. The text of new N.J.A.C. 10:122C-2.3 is relocated from N.J.A.C. 10:122C-5.3(c) and has been deleted from that location. N.J.A.C. 10:122C-5.3(b) is also being deleted, as it addressed the same subject, now relocated to N.J.A.C. 10:122C-2.3.

The Division proposes to amend recodified N.J.A.C. 10:122C-2.4(a) to state that a resource family parent shall submit an application 60 days before expiration of their existing license, rather than 45 days before expiration. The reason for this amendment is to allow ample time for the resource family parent and the Office of Licensing to complete the licensing process before the existing license expires.

Recodified N.J.A.C. 10:122C-2.4(c)2 is amended to remove from the requirement for license renewal that a medical reference must be based on a physician's examination within 12 months of the date of completing the medical reference. The examination must be completed within 12 months of license renewal.

The Division is proposing a technical correction to N.J.A.C. 10:122C-2.4(c)3 to change "applicant" to "resource family parent." As this section is about renewing a license, the term applicant is inaccurate. Only resource family parents who are already licensed can renew their licenses.

The Division is amending recodified N.J.A.C. 10:122C-2.5(b)11 to specify that abatement of outstanding violations of level II requirements must be done by either the next annual or renewal inspection, whichever comes first, rather than using the more generic term "licensing inspection" which includes reinspections for the abatement of violations. This amendment brings the language into agreement with that of N.J.A.C. 10:122C-1.5(c).

The Division is correcting the citation in recodified N.J.A.C. 10:122C-2.5(d) in order to reflect the recodification to N.J.A.C. 10:122C-2.6(a).

The Division is proposing an amendment to N.J.A.C. 10:122C-3.4(a) to state the correct name and address from which to request copies of the child abuse law. The Office of Communication and Legislation is now located within the Department, rather than the Division, both organizationally and physically.

The Division is deleting N.J.A.C. 10:122C-4.1(a)2. This paragraph is being relocated to N.J.A.C. 10:122C-4.1(c). The Division is amending recodified N.J.A.C. 10:122C-4.1(a)2 to add an additional requirement regarding swimming pools and natural bathing areas as subparagraph (a)2iii. In addition to meeting all applicable local ordinances, a resource parent must enclose his or her swimming area with a barrier approved by the Office of Licensing. The Division is adding this requirement to assure the safety of children in placement, as swimming pools in existence prior to the enactment of the Uniform Construction Code in 1977 are only required to meet the municipal standards in effect at the time of their construction.

The Division is creating a new N.J.A.C. 10:122C-4.1(c) to contain standards related to the resource parent's home, land and outdoor area being free from hazards to children. Many standards are being recodified and grouped under subsection (c). The following subsections and paragraphs are being eliminated: N.J.A.C. 10:122C-4.1(c)3, (d)3 and 4,

(e)2 and 5, (f)3, and (g)1-2 and 4-7. These requirements are being deleted from the rules because they are already addressed by the statement at new subsection (c), that “the home, land and outdoor area shall be free from hazards to the health, safety, or welfare of children.” The Office of Licensing’s staff can assess the unique features of each home and surrounding property. The current N.J.A.C. 10:122C-4.1(g)3 has been moved to the recodified 4.1(c)4iv in order to retain this standard and group it in the correct section in the reorganized rule.

At recodified N.J.A.C. 10:122C-4.1(c)iii, the Division is amending the hot water temperature from not less than 120 degrees Fahrenheit to not more than 120 degrees Fahrenheit. The Division is also deleting the current maximum hot water temperature of 140 degrees Fahrenheit. The purpose of this amendment is to protect children from being scalded by excessively hot water.

N.J.A.C. 10:122C-4.1(e)1, 3, and 4 have been recodified as N.J.A.C. 10:122C-4.1(c)4i, ii, iii. N.J.A.C. 10:122C-4.1(f)1 and 2 have been recodified as N.J.A.C. 10:122C-4.1(c)5i and ii. N.J.A.C. 10:122C-4.1(h) has been recodified as subsection (d).

The Division has amended N.J.A.C. 10:122C-4.2(a)3 in order to prohibit children only from sleeping in an unfinished attic or basement. The Division is amending this paragraph because the Division believes that adults not under the supervision of the Division can make the decision about whether to sleep in an unfinished attic or basement.

The specific and measurable bedroom standards in N.J.A.C. 10:122C-4.2(b) are being eliminated. They are being replaced by the more general standard that the bedroom that each child in placement sleeps in shall provide safety, privacy, and comfort. N.J.A.C. 10:122C-4.2(b)1ii is being retained at recodified N.J.A.C. 10:122C-4.2(a)4. The Division has amended the text by adding “Each bedroom occupied by a child in placement shall have” to fit in to the reorganized rule language. N.J.A.C. 10:122C-4.2(c) and (d) are being deleted in their entirety as their subject matter, bedding requirements and privacy, is addressed in paragraph (a)5. The Division is making this amendment in order for the Office of Licensing’s staff to be able to assess the safety of a child’s sleeping arrangements on an individualized basis. The Division believes that this standard allows for a more inclusive approach for diverse housing structures in New Jersey while maintaining a safe environment for children in placement.

N.J.A.C. 10:122C-4.3(b) and (c) are being recodified to become paragraphs 8 and 9 of subsection (a) in order to become level I requirements. The effect of making subsections (b) and (c) level I requirements is to require that each resource home contain a first aid kit and a carbon monoxide detector, when the home contains a fuel-burning appliance or has an attached garage used for motor vehicles, in order to receive or maintain a license. The Office of Licensing has a supply of carbon monoxide detectors and first aid kits that are given to resource parents who can not obtain one for financial reasons. At recodified paragraph (a)9, the date has been deleted as it has passed.

The Division is proposing to amend N.J.A.C. 10:122C-5.1(a)3 to clarify that the home visits and training are done by either the Department's staff or by contract agency staff by deleting "other" and adding "contract" to modify the word "agency." Contract agency is a defined term in the chapter. The Division is using the defined term to limit who can perform these functions.

The Division has amended N.J.A.C. 10:122C-5.1(a)4 to limit the timeframe when the standard that the resource parent has sufficient income or financial support is in effect. It is important that a resource family parent have economic independence before placement. After a child is placed with the family, both the family's income and expenses are combined.

The Division is amending N.J.A.C. 10:122C-5.2(a)1 to state that a medical reference must include a recommendation from a physician. The Division and the Office of Licensing need both factual information on the applicant's health and the doctor's recommendation as to each person's suitability to care for children in order to make an informed decision about the applicant's application. The Division is also deleting the requirement that the examination must have taken place within six months of completion of the medical reference because the timeframe for the examination is addressed in N.J.A.C. 10:122C-5.2(b)1.

The Division is amending the rules regarding the time period for a valid medical reference supplied by each applicant and household member at N.J.A.C. 10:122C-5.2(b)1. A medical reference will be considered

valid within 12 months, rather than six months, dated from the completion of the medical reference. Allowing for a 12-month timeframe allows an applicant to use the results of his or her annual physical examination, rather than expecting the applicant to obtain an examination not needed medically and not covered by health insurance.

The Division is amending N.J.A.C. 10:122C-5.2(c)5iii to delete information from personal references regarding the applicant's affiliation with cults, groups or organizations that may be incompatible with responsible parenting. Instead, the personal reference must provide information that the applicant does not engage in activities that are incompatible with responsible parenting. This amendment is being proposed in response to an inquiry from the American Civil Liberties Union.

The Division is deleting N.J.A.C. 10:122C-5.2(c)5vi. Personal references will no longer need to contain information about the applicant's level of community involvement as it will be assessed during the home study. Subparagraphs (c)5vii and viii have been recodified to (c)5vi and vii.

The Division is amending N.J.A.C. 10:122C-5.3(a)1 to include household members' identifying information in the home study. The Division needs to include everyone in the household in the home study in order to assure the safety of children placed with the family.

The Division is removing N.J.A.C. 10:122C-5.3(a)1i, iii, and v through x. The information contained in these subparagraphs will no longer be specified in the rules, as it is considered identifying information as still required in paragraph (a)1. The Division is amending recodified N.J.A.C. 10:122C-5.3(a)1i to require addresses for the past five years instead of the past 10 years. The Division is proposing this amendment in order to conform to the Adam Walsh Act, which amended 42 U.S.C. §671(a)(20)(C).

N.J.A.C. 10:122C-5.3(a)2 is amended to require only a description of each room, indoor area, and area outside the home. Descriptions of the bedrooms are no longer specified, as they are included in the required description of each room and indoor area. This information does not need to be specified in the rules as it is covered generally in the phrases “each room and indoor area” and “the area outside the home.”

Specific information about persons residing in the home is being deleted from N.J.A.C. 10:122C-5.3(a)3i through iii. The general statement that the home study includes information about all persons residing in the home remains and is sufficient to cover the details formerly stated in subparagraphs (a)3i through iii.

N.J.A.C. 10:122C-5.3(a)4 through 8 are being eliminated, as are (a)10 through 14. They are being removed from the rules because they are required in the home study and the home study requirement specified elsewhere in the rules.

The Division has amended N.J.A.C. 10:122C-5.4(a)1 to indicate that the State and Federal Criminal History Record Information fingerprint background check must be current within one year. The Division is adding a time frame in order to ensure that the Division has current criminal history information.

The Division is removing N.J.A.C. 10:122C-5.4(b). The Division will no longer issue licenses based on the completed State criminal history background check and pending completion of the Federal criminal history background check. The Division is removing subsection (b) because the Office of Licensing no longer issues a license unless State and Federal criminal history background checks are complete. This practice is in keeping with 42 U.S.C. §671(a)(20)(A).

The Division is amending N.J.A.C. 10:122C-5.5(a) to include a new paragraph (a)4. Recently amended 42 USC §671(a)(20)(C) requires a state to request child abuse record information from other states if an applicant or household member has lived in another state within the last five years. This amendment brings New Jersey's rules into compliance with the Federal requirement.

The Division proposes to remove the Department office from the responsibilities stated in N.J.A.C. 10:122C-5.5(b)3 and 4. The only Department office who can supervise a child is the Division. Stating "the Department office" is redundant and misleading.

The Division is amending N.J.A.C. 10:122C-5.5(b)5 to change the location of approving a resource home being used when a resource parent, an applicant, or a household member has a substantiated child abuse or neglect incident, from the Chief of Resource Family Licensing to the generic Office of Licensing. The Division is proposing this amendment in order to allow this administrative responsibility to be determined internally by the Office of Licensing's staff.

The Division is also amending the name of the Department's medical unit to the child health unit at N.J.A.C. 10:122C-5.7(b)3 to reflect the current name of the unit.

The Division is amending N.J.A.C. 10:122C-6.6(a)9 to delete the requirement that an infant's feeding plan must be in writing. The amended rule requires consultation with the health care provider and following the health care provider's recommendations in regard to the feeding schedule, special formula, nutritional needs, and introduction of new foods. This approach encourages the resource family parent to discuss the child's nutritional needs in depth with the health care provider.

The Division is adding a requirement that a resource family parent must ensure that the child's health care needs are met, including arranging for emergency, routine, and follow-up medical, dental, and other health care needs at N.J.A.C. 10:122C-7.1(a)1. The Division is deleting N.J.A.C. 10:122C-7.1(a)2 through 7, regarding medical care for a child placed in a resource home. The Division is removing this material as it is already stated generally in paragraph (a)1, "the resource family parent shall ensure

that the medical, dental, and other health care needs of each child in placement are adequately and promptly met” and including the addition of arranging for the emergency, routine, and follow-up medical, dental, and other health care.

N.J.A.C. 10:122C-7.1(b) has been amended to require that a resource family parent shall contact the caseworker to obtain medical and dental information for each child in placement, if the resource parent does not have the information. Department staff may have access to information that the resource family parent does not have.

N.J.A.C. 10:122C-7.2(a)3ii has been amended to change the prohibition of furnishing tobacco to a person from 18 years to 19 years, pursuant to the recently amended N.J.S.A. 2A:170-51.4(1)a.

N.J.A.C. 10:122C-7.3(a)2 has been amended to change the verb “dispense” to “administer,” as non-medical personnel can not dispense medication. Non-medical personnel, such as resource family parents, can administer it.

The Division is amending N.J.A.C. 10:122C-7.3(b). Disposal of expired medications will only be regulated for the medicines of children in placement. The purpose of this amendment is to protect the health of children in placement by assuring that these children take only medicine that is currently prescribed for them and which is not expired. The Division believes that regulating the medication of children in placement is the limit of its regulatory authority.

The Division is proposing an amendment to N.J.A.C. 10:122C-7.6(a)1 to remove “rubber” from the term “rubber gloves.” This amendment allows a person with an allergy to rubber or a person who is caring for a child with an allergy to rubber to use another type of disposable glove.

The Division is revising the transportation requirements from N.J.A.C. 10:122C-8.1(a)2 through 4, (b) and (c). The transportation requirements addressed at new N.J.A.C. 10:122C-8.1(a)2 and 3 are sufficient to protect the children under the Division’s supervision. A resource parent, household member or other person who provides transportation to a child in placement must have a current driver’s license, automobile insurance, seatbelts, and age-appropriate safety seats for each child. Each resource family parent who provides transportation to a child in placement is required to maintain current automobile insurance.

N.J.A.C. 10:122C, Approval of Foster Homes, was initially promulgated in 1993 and readopted with amendments in 1997. The Foster Parent Licensing Act was enacted and became effective in 2002. The chapter was readopted with significant amendments to accommodate the Foster Parent Licensing Act as Licensure of Foster Homes in 2003. The Foster Parent Licensing Act was amended in 2004 to use the term resource parent, instead of foster parent. In addition to a change in terminology, the term resource parent included those who provide foster care, adoption, or relative care. N.J.A.C. 10:122C was repealed and new rules were adopted, entitled Manual of Requirements for Resource Family Parents, in

2006 to reflect the licensing of persons providing adoptive care or relative care, as well as foster care.

As the Department has provided a 60-day comment period for this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The Division is making significant amendments to the chapter in order to promulgate a more holistic approach to families in compliance with the case practice model while continuing to ensure the health, safety, and well-being of children in placement. One anticipated effect is to allow additional relatives and family friends to be licensed. This permits children needing out-of-home placement the opportunity to live with people known to them, on both a temporary and a permanent basis. It also allows children additional opportunities for gaining a permanent home as additional relatives and family friends can be licensed and can become adoptive parents.

The Division expects a positive response to these amendments because they will allow additional resource parents to be licensed. As the Division has a larger pool of available resource parents to choose from, the Division will have a better opportunity to place a child with an appropriate resource parent initially. The goal is fewer moves for children. The Division also anticipates a positive reaction to the change requiring a medical reference based on an examination within one year,

rather than within six months, for initial licensing. Applicants and the Division (per N.J.A.C. 10:122B-5.2(a)) will no longer need to pay for an examination because they have already had the one examination that their medical insurance will cover per year.

The Department has been licensing resource parents since the Foster Parent Licensing Act took effect in 2002. The Division has found that the rules regarding the physical structure of the home precluded many people interested in providing resource care from applying or from being licensed. Older housing stock in some areas of the State was not constructed in a way that would allow it to meet the requirements of the chapter. Title IV-E of the Social Security Act requires states to recruit resource parents from neighborhoods where children needing placement are from and to use relatives as the first placement as much as possible. In order to accomplish these goals, while ensuring the safety of children in placement, the Division proposes amending the rules.

This approach is in line with the modified settlement agreement for Charlie and Nadine H., et al. v. Jon S. Corzine and Kevin M. Ryan, Docket No. 99-3678(SCR). One principle of the modified settlement agreement is to place children "...in settings that promote the continuity of critical relationships: together with their siblings; with capable relatives whenever possible; and in their own communities."

As of May, 2008, there were 5163 licensed resource homes. There are 2,055 pending applications to become a resource parent. As of July,

2007, there were 4790 children placed with non-kin resource parents and 3562 children placed with kin resource parents.

Economic Impact

The Division anticipates little economic impact on applicants or licensed resource parents. The amendments removing certain standards may permit a slight savings to applicants and licensed resource parents. The Division has a supply of carbon monoxide detectors and first aid kits to give to resource parents and applicants who can not afford to purchase them.

Overall, this chapter supports and does not exceed the requirements of Title IV-E of the Social Security Act. The Division's FY 2008 Title IV-E appropriation is \$99.2 million.

The amendments put the Division in agreement with the Adam Walsh Child Protection and Safety Act of 2006. 42 U.S.C. 671(a)(20)(C) requires that the state check the child abuse and neglect registry of each state where each resource family parent applicant or household member has lived during the last five years. These amendments proposed put New Jersey in compliance with this statute.

Removing the ability of the Division to license resource family parents before their Federal criminal history background check has been received also puts New Jersey in compliance with 42 U.S.C. 671(a)(20)(A), which requires a criminal records check of national crime

information databases “...for any prospective foster or adoptive parent before the foster or adoptive parent may be finally approved for placement of a child...”

The Division expects that the amendments merging relative care homes and family friend care homes into kinship care homes will minimally reduce Federal funding received through Title IV-E of the Social Security Act, 42 USC §671 et seq. and 45 CFR 1356.21 and 1356.30. Allowing waivers of standards for unrelated family friend, civil union, and domestic partner resource parents is not Federally-sanctioned. The Division will not be allowed to claim Title IV-E funds for any of the children placed in these homes where standards have been waived. Some children living in family friend, civil union, and domestic partner resource homes would be eligible for Title IV-E reimbursement if placed with a resource family who met all licensing requirements. State funds will be used to support those placements.

The Division does not anticipate any economic effect on the agencies with whom the Department contracts to perform resource family services.

Federal Standards Statement

This chapter of rules is subject to, but does not exceed, any Federal standards. The rules help the State of New Jersey to meet Federal standards at 42 U.C.S. §671(a)(10), (11), (12), (19), (20), and (24) and at 45 CFR 1356.21(m)(2) and 1356.30(a).

I, Acting Commissioner Eileen Crummy, certify that the above analysis permits the public to understand accurately and plainly the purposes and expected consequences of this rulemaking activity.

Eileen Crummy
Acting Commissioner

Date

Jobs Impact

The proposed amendments are expected to have no impact on jobs to be generated or lost as a result of this rule promulgation.

Agriculture Industry Impact

The proposed amendment will have no impact on the agriculture industry.

Regulatory Flexibility Statement

Resource family parents who are licensed by the Division are not considered small businesses pursuant to N.J.S.A. 52:14B-16 et seq. Contract agencies that place and supervise children in resource family homes may be small businesses under the law. The Department contracts

with 28 social service agencies to provide resource home services. The Office of Licensing estimates that ten of the contract agencies are small businesses as defined at N.J.S.A. 52:14B-17.

While the chapter does require reporting, recordkeeping, and other compliance requirements of small businesses, the amendments proposed do not add any new reporting, recordkeeping, or compliance requirements. The Division does not anticipate that the amendments will add any costs to the contract agencies' cost of doing business. No additional professional services will be necessary to comply with the rules as amended. No capital costs are required.

The Division has not exempted small businesses from compliance with any part of the rules. The Division believes that full compliance is necessary to protect the health, safety, and welfare of the children who are placed in resource care.

Smart Growth Impact

The proposed amendment will have no impact on the achievement of smart growth and implementation of the State Development and Redevelopment Plan.

Full text of the proposal follows (additions indicated in boldface thus: deletions indicated in brackets [thus]):